

CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

FROM: Representative Jesse Kremer
Senator Steve Nass

DATE: Tuesday, October 6, 2015

RE: Co-sponsorship of LRB-2643/1, relating to use of changing rooms by pupils.

SHORT DEADLINE: Friday, October 9, 2015

In response to recent incidents around the state, we believe it is appropriate and in the best interest of our students and faculty to introduce a standardized, statewide policy regarding gender-specific bathroom usage in our public schools. To put it plainly, no student of any gender should be made to feel uncomfortable or threatened in the most private places in our schools.

This bill reinforces the societal norm in our schools that students born biologically male must not be allowed to enter facilities designated for biological females and vice versa. The bill also makes clear that reasonable accommodations must be made for students who, in writing, identify as the opposite sex. This new policy will:

- **Ensure even policy application and enforcement.** A patchwork of shaky policies is inconsistent and can lead to expensive lawsuits for districts. Under this bill, the state Department of Justice would be responsible for defending this policy.
- **Prevent discrimination.** A statewide policy will remove the risk of individual districts unintentionally subjecting students to potentially harassing or discriminatory situations. Options such as single occupancy or faculty facilities can be offered to students who do not identify as their birth gender.
- **Protect all students' privacy and safety.** This policy will ensure that *all* students will be afforded the dignity and security they are entitled to in our public school bathrooms and locker rooms.

To be added as a co-sponsor, please contact Rep. Kremer's office at 6-9175, Senator Nass' office at 6-2635 or reply to this email by Friday, October 9 at 4:00 p.m.

Analysis by the Legislative Reference Bureau

This bill requires a school board to designate each pupil restroom and changing room (together, changing room) located in a public school building and accessible by multiple pupils as for the exclusive use of pupils of only one sex. The bill defines "sex" as the physical condition of being male or female, as determined by an individual's chromosomes and identified at birth by that individual's anatomy. The bill prohibits a member of the female sex from using a changing room that has been designated as the male

changing room and prohibits a member of the male sex from using a changing room that has been designated as the female changing room.

The bill permits a school board to temporarily designate a pupil restroom or changing room for special events. The bill requires a school board to provide reasonable accommodations to a pupil to use a single-occupancy changing room when the following conditions are met: 1) the pupil identifies as a member of the male sex but is a member of the female sex, or the pupil identifies as a member of the female sex but is a member of the male sex; and 2) the pupil or the parent or guardian of the pupil submits a written request to the school board to receive the accommodation.

The bill permits a pupil or the pupil's parent or guardian to file a written complaint regarding a violation of the requirements in the bill, and requires the school board to investigate and attempt to resolve the complaint.